

[13th November 1922]

*Kondapally Butchayya, ex-village munsif of Nidumole.*

326 Q.—S. R. Y. ANKINEDU PRASAD Bahadur : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that one Kondapally Butchayya, ex-village munsif of Nidumole absconded, before the Divisional Magistrate of Gudivada, Kistna district, pronounced judgment in a certain rioting case imprisoning him for four months and binding him over to keep the peace for a certain period ;

(b) whether it is true that the convicted Butchayya got the information of his conviction beforehand, while remaining in the said Magistrate's court expecting delivery of judgment along with the other accused ;

(c) whether it is also true that two police sub-inspectors and some constables were also present at the court, when the convict effected his escape as soon as the Magistrate sent to the police station for an extra guard to take the prisoners under custody ;

(d) whether the said munsif was admitted as an in-patient into the Government Hospital, Masulipatam, by the District Medical Officer, situated at a distance of 25 miles from Gudivada subsequent to his absconding and thus escaped from being arrested and taken before the Magistrate for receiving sentence ;

(e) whether the High Court set free on bail this accused also along with the other convicted persons though he was not actually taken before the Magistrate for receiving conviction ;

(f) whether the authorities concerned have brought these matters to the notice of the Government ;

(g) if so, whether the Government have already taken steps to hold an inquiry ;

(h) under what circumstances the District Medical Officer had to admit the accused into the Government Hospital, Masulipatam, while warrants of arrest had been issued by the Divisional Magistrate of Gudivada to arrest him as an absconding accused person ; and

(i) who the persons are that may be held responsible for the escape of the convicted prisoner ?

A.—(a) Yes.

(b) Before pronouncing judgment, the Subdivisional Magistrate directed the Sub-Inspector of Police, Gudivada, to be ready with the police guard necessary to take charge of the 14 prisoners. The fact that a guard had been sent for would make it clear to every one in the vicinity of the court that the accused were to be convicted.

(c) Two Police Sub-Inspectors were present in the court on 30th June 1922 when the extra guard was sent for. The question, however, implies that the accused was in police custody. This is not correct. He was on bail on his own recognizances, and disappeared when he saw that he was about to be convicted.

(d) The said Butchayya was admitted as an in-patient in the Government Hospital at Masulipatam on 2nd July 1922 by the District Medical Officer, Kistna, and was arrested in the hospital the following day and kept under police guard.

(e) Yes.

13th November 1922]

- (f) No. It was not a matter that would ordinarily be brought to the notice of Government, but the Government have now, for the benefit of the hon. Member, obtained a report of the facts from the District Magistrate.
- (g) No. The Government see no need for any inquiry.
- (h) The District Medical Officer had no concern with any warrant for arrest and was unaware that it had been issued. He admitted the patient, because he was ill.
- (i) Seeing that no convicted prisoner escaped from custody, the question does not arise.

*The Public Prosecutor of Masulipatam.*

327 Q.—S. R. Y. ANKINEDU PRASAD Bahadur: Will the hon. the Law Member be pleased to state—

- (a) whether the public prosecutor of Masulipatam is appearing on behalf of the Government in the criminal appeal filed in the District Court of Kistna by the convicted Butchayya and others, against the judgment of the Gudivada Divisional Magistrate;
- (b) whether the same public prosecutor is also appearing for Butchayya and his father-in-law in certain civil suits pending in the same Court;
- (c) whether the rules, if in existence, will allow such an arrangement; and
- (d) whether the Government are satisfied that justice will not suffer if the same vakil appears for and against the accused in the same Court, though the cases are different?

A.—(a) & (b) The Government have no information.

(c) There are no rules to the contrary.

(d) The Government cannot answer an abstract question.

*Public prosecutors in the Presidency.*

328 Q.—Mr. M. APPALANARASAYYA NAYUDU: Will the hon. the Law Member be pleased to state, in continuation of question No. 1248 by Munshi Muhammad Rahman Sahib at the meeting of the Legislative Council held on the 14th February 1922, the names of all the public prosecutors in the Presidency with the following information:—

- (a) age,
- (b) dates on which they were first appointed,
- (c) whether the rule requiring officers to be retired at the age of 55 or 60 years will apply to these officers,
- (d) whether, while the term of office is limited to three years at a time, the same individual can be appointed indefinitely any number of times; and
- (e) what was the scale of fees allowed formerly and now, and whether reduction of public prosecutors' fees was one of the items to be taken into consideration in the retrenchment scheme?

A.—(a) & (b) The hon. Member is referred to the "List of Establishments of the Judicial Department." The Government have no other information.

(c) No.

(d) Yes: if they are best fitted for the post.